

Notice of Allowability

Application No.

09/760,366

Applicant(s)

BOYS, DONALD R.

Examiner

Thomas K. Pham

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2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 12/22/2005.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Reasons for Allowance

1. Claims 1-42 are allowed.
2. The following is an examiner's statement of reasons for allowance:

While McLampy (U.S. Patent No. 6,606,668) discloses a system for managing a large network of switching end-points to route calls over a packet switch network such as Voice over IP. The system promotes least cost carrier selection by routing calls from a local service switching point (SSP) to a remote service switching point via a packet switch network interconnected to the remote service switching point of a carrier with the lowest cost. After the local SSP receives an incoming call, it searches a locally stored list of remote SSPs, and associate carriers, to determine which remote SSP and carrier combination has the lowest available rate. McLampy does not teach while a connection to a network has been established by a user using a low priority access number may continue the network session while a higher priority access number is identified from a list of alternate numbers, the current data session connection using lower priority access number may be switched to the identified connection using higher priority access number according to a software instructions or manually switched by the user; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

And Montalvo (U.S Patent No. 6,594,480) discloses a telecommunication device having a memory, a user input device, and a modem for connection to an external network, each controlled by a processor, a dialing apparatus is provided for connection to the external network. The dialing apparatus includes a dialer program operating in the telecommunications device for prioritizing a plurality of different dialing strings, highest to lowest, each associated with the

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external network for connection of the telecommunications device to the external network based on the location of the telecommunication device. A dialer program automatically dials a dialing string with the highest priority from the prioritized list until connection is established or the list is exhausted. Montalvo does not teach monitoring or dial attempt made while user is already connected to the Internet in order to find a higher priority access number; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

Neither of these references taken either alone or in combination discloses a method and device for enabling priority-based Internet access telephone number switching from a lower priority access number to a higher priority access number having all the claimed features of applicant's instant invention, specifically including: while a connection to a network has been established by a user using a low priority access number may continue the network session while a higher priority access number is identified from a list of alternate numbers, the current data session connection using lower priority access number may be switched to the identified connection using higher priority access number according to a software instructions or manually switched by the user. Also, there is no motivation to combine the McLampy reference with the Montalvo reference to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner



January 13, 2006



Anthony Knight
Supervisory Patent Examiner
Group 3600